AMERICAN FEDERATION OF LABOR

WEEKLY NEWS SERVICE

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WHOLE NO. 1242 | WILLIAM GREEN, President | WASHINGTON, D. C., SATURDAY, FEBRUARY 2, 1935 | FRANK MORRISON, Secretary | VOL. 25, NO. 5

Keep clear of personalities in general conversation. Talk of things, subjects, thoughts.—Hugo.

Editorial

Majority Rule - - For Employers Only

The high-handed tactics of dominant employers in demanding majority rule for themselves and denying the same to their employees, is stated effectively in a recent statement by Paul Porter. Whether or not one is inclined to agree with anyone's personal opinion, facts are incontrovertable, and these are the facts:

The National Association of Manufacturers, in a statement proposing revision of the National Industrial Recovery Act by Congress, stated on behalf of employers:

"The approved competitive practices and prohibitions submitted by the properly defined majority of a group, trade or industry should be binding upon the minority."

In the same statement, the same organization says of labor:

"Recognize the equal right of minorities or individuals to bargain for themselves directly or through representatives of their own choosing."

The United States Chamber of Commerce recently submitted a number of propositions to their member organizations for a vote. These also concerned the NIRA. Proposition VII was carried by the astounding vote of 1,724 to 168. And this is it:

"Rules of fair competition formulated by a clearly preponderant part of an industry as suitable for the whole industry with due consideration for small units and approval by the governmental agency should be enforceable against all concerns in the industry."

At the same time, the same organization submitted proposition VIII, which carried by the still more astounding vote of 1,822 to 67. And this is it:

"In any new legislation it should be made unmistakable that collective bargaining is bargaining with representatives of all groups of employees that desire to act through spokesmen, without the right of the minority group to deal collectively or the direct right of individual bargaining being precluded."

That, exactly, is the awkward and inexcusable position of these representatives of large employers: they want majority rule for themselves, but they wish to emphatically deny this same worthy rule to their employees.

According to a recent survey, profits last year of 418 leading corporations were $911,000,000, representing a 50 per cent gain over 1933. During the same period, wages rose only 5.7 per cent, while food prices went up 11.3 per cent, clothing 15.3 per cent, and so on throughout the list of items for which wage earners must spend their money, if and when they have any. In purchasing power, wage earners lost considerable ground, while these big industries doubled their profits!

The principle of majority rule is just as sacred and just as essential to employees as it is to employers; it is just as fair in industry as in the case of your Government, your lodge, your union or your commercial organization. Majority rule is absolutely necessary to true collective bargaining and unhampered, unrestricted, true collective bargaining is absolutely necessary under modern American conditions to industrial peace, to the prosperity and well being of all and to the natural progress of our great nation. So what?

Payment of Prevailing Rates Urged for Relief Workers

Senate Is Asked By President Green To Uphold Standards; Suggests Less Hours and More Men.

By A. F. of L. News Service.

Washington.—Members of the United States Senate have received a special appeal from William Green, president of the American Federation of Labor, to include in House Joint Resolution 117, President Roosevelt's big public works measure, a provision for payment of wage rates prevailing in the different communities.

The suggestion is in line with the present law, the Bacon-Davis Act, which provides that those employed on Government projects be paid as a minimum the prevailing wages of the respective community. The House of Representatives recently rejected by a close margin a prevailing-wage clause, offered by Congressman Connery, President Green said:

"For obvious reasons, labor in the United States will be vitally affected by the provisions of House Joint Resolution 117. This resolution provides for the expenditure of a large sum of public money in the performance of public works projects. The economic and industrial interests of labor will be directly affected by the execution of this act.

"The American Federation of Labor wishes to establish and maintain decent living standards in all industrial centers and in all cities and towns throughout the land. I am sure that the Members of Congress are in thorough accord with this purpose and objective. We have found from experience that when low wage and working standards are established by the government in any community, it adversely affects the wages and standards prevailing in private industry.

"For this reason, I strongly urge that the rates of pay prevailing in the different communities throughout the land be recognized and paid to those employed upon governmental work provided for in House Joint Resolution 117. The objection to this, which is based upon the allegation that if prevailing rates are paid on government projects that it will draw the workers from private industry, can be met and overcome through the establishment of a shorter work day and shorter work week for those employed on government projects. This would serve to distribute the amount of work among a large number of people and through a reduction in the number of hours worked per day the earnings per week or per month for those employed in government work would not equal the amount earned by those employed in private industry where the number of hours worked per day and per week is greater.

"Section 6 of H. J. Res. 117, in the form in which it passed the House, is highly objectionable to labor. We appeal this section so as to provide that in conferring authority upon the President 'to prescribe such rules and regulations as may be necessary to carry out this joint resolution,' upon all government work originated and carried forward under the provisions of this act, that the prevailing rate of wages be paid and that the prevailing conditions of employment be maintained.

"This will insure the maintenance of decent living standards for the working people of our country, and at the same time will enable the President and Congress to carry out your laudable purpose to provide work relief for millions of unemployed.

"I am making this appeal to you in the name and in behalf of the officers and members of the American Federation of Labor."

END POVERTY WITH HIGH WAGES, FILENE URGES

By A. F. of L. News Service.

Rochester, N. Y.—Bringing poverty to an end with high wages and low prices is the job for business men to tackle in the interest of recovery, Edward A. Filene, Boston merchant, told an audience at the City Club here. Charging that the many strikes during 1934 were engendered by the refusal of business leaders to realize that the old practice of "taking all the traffic can bear" can no longer succeed, and that 1935 is really the first year of the New Deal, Mr. Filene added:

"What has happened so far has not been a new deal, but a preparation for one. We must admit that much has happened. America during the past two years has undergone a change for which, it seems to me, there is no parallel in history.

"Today the abolition of poverty is our big business problem. We business men are all talking about it. We know, moreover, that it is a problem which we'll have to solve, for obviously we can't sell any great volume of goods to people who have a very small buying power."

PROFESSIONAL EMPLOYES' WAGE CLASSIFICATION

By A. F. of L. News Service.

Washington.—Professional persons in the retail trade working unlimited hours are entitled to the same minimum wage classifications as executives working beyond code hours under an amendment to Article V, Section 4-A of the retail trade code, approved by the National Industrial Recovery Board. It was estimated that possibly 100,000 persons may be affected by the amendment.

Article V, Section 4-C of the code provides that executives who work unlimited hours must receive minimum wages ranging from $26 to $35 a week, according to population of the communities in which a retail establishment is located.

The term "professional person" is defined in the code. It includes, but without limitation, such employes as doctors, dentists, nurses, architects, training directors, artists, research technicians, statisticians, mechanical engineers, etc.

The retail trade code covers such groups or department and dry goods stores, hardware, furniture and floors, mail order houses, bookseller, limited price variety, music and men's clothing stores.

Benefits For Labor In Housing Campaign Stressed By Director

General Electric Series Of Broadcasts, Started By Mr. Moffett.

By A. F. of L. News Service.

New York.—Benefits to labor accruing from the current campaign of the Federal Housing Administration were stressed, among other things, by James A. Moffett, director, in a coast-to-coast radio broadcast, from New York, January 13. The broadcast inaugurated a series of 26 special programs being sponsored by the General Electric Company under the title of "What Home Means to Me."

Mr. Moffett stated in part:

"Reports coming daily to my desk from the field tell of city after city where, because of Modernization Campaigns, all the plumbers, painters, painters and electricians are back at work; of states where thousands of men have been taken off the relief rolls; of factories working overtime and, in some instances, double and even triple shifts.

"That is to say, there is now among us a stronger and wider manifestation of the American spirit of hope and enterprise."

BUILDERS UNDER NEW CONSTRUCTION PROGRAM

By A. F. of L. News Service.

Washington.—Operative builders, who normally construct about 30 per cent of the small houses in the United States, are definitely in the construction program of the Federal Housing Administration, according to announcement here.

In normal times, it was stated, these operative builders erect houses whose value runs into several millions of dollars annually. For the past four years, however, operative building of homes has been practically at a standstill. It must be started again, housing officials stated, if home construction in this country is to resume its normal value.

Many of these so-called "operative" builders are noted as non-union employers, business representatives of building craft unions usually having their chief difficulties with this class of construction employers.

TWO STATES APPROVE AND OTHERS REJECT PROPOSED AMENDMENT

By A. F. of L. News Service.

Washington.—State legislatures are getting into action for their 1935 sessions and, aside from prospective concurrent social security legislation to meet Federal requirements, labor's chief concern at present is approval of the pending Child Labor Amendment to the U. S. Constitution.

Reports reaching the A. F. of L. News Service, from Cheyenne, Wyo., state that the Wyoming House has followed the Senate in voting approval of the amendment and the joint ratification resolution is expected to be signed by Governor Miller, who is expected to sign it.

From Carson City, Nev., comes word that the State Assembly has voted ratification by 33 to 6 and similar approval is expected in the State Senate.

From Austin, Tex., comes the disappointing news that the Texas Senate definitely rejected the proposed amendment by a vote of 19 to 10.

From Albany, N. Y., comes a statement that ratification has been "killed" by the Senate Judiciary Committee, despite strong pleas of Governor Lehman and others. The action is subject to reconsideration, but many believe this will not occur at the present session. "Big Business" and certain daily newspapers are said to have dictated defeat.

At; Nashville, Tenn., the House "killed" a joint ratification resolution, by a vote of 72 to 24, with 3 not voting.

Twenty-two states have now ratified the proposed Child Labor Amendment. Fourteen more ratifications are necessary. Twenty-five state legislatures are yet to act. Final ratification is believed quite possible if the organized labor is hopeful that this may be accomplished during the present year.

PRESIDENT GREEN SAYS FASCISM IS MENACE ON PAR WITH COMMUNISM

By A. F. of L. News Service.

Washington.—The insidious propaganda now flooding America in support of Fascism and Fascist philosophy is regarded as a dangerous menace by organized labor. Recognizing this situation, President William Green of the American Federation of Labor has issued the following statement:

"The American Federation of Labor regards Fascism and the Fascist philosophy as equally menacing and dangerous to the maintenance of democracy and democratic institutions as Communism. Both Fascism and Communism rest upon the basis of dictatorship. For this reason the American Federation of Labor is concerned over the activities of Fascist representatives in New York and elsewhere.

"The attempt of certain Fascists to influence Americanized Italians in local unions of the dressmaking industry of New York should be resisted and opposed by loyal members of the American Federation of Labor. The Fascist propagandists seem to feel that members of local unions chartered by the International Ladies' Garment Workers' Union who are of Italian birth and descent are susceptible to Fascist influences.

"Because Fascism is opposed to democracy as it exists in the United States and in the trade unions affiliated with the American Federation of Labor, the offering of membership of the American Federation of Labor will resist it and oppose it with all the force and power at their command.

"The American Federation of Labor is calling upon its officers and members to actively oppose Fascism wherever it is proposed in local organizations, just as they should oppose Communism."

LABOR'S SHARE OF PRODUCTION FALLS

Drops From 17.5 In 1931 To 16.8 In 1933; Per Capita Earnings Drop From $1,316 To $869.

By A. F. of L. News Service.

Washington.—Labor has received a decreasing share of the output of the American manufacturing industry, dropping from 17.5 per cent in 1931 to 16.8 per cent in 1933, according to a census of manufacturers, just issued by the Census Bureau.

Out of all reasonable proportion was the drop in per capita earnings of wage earners, which fell from $1,316 in 1929, to only $869 in 1933.

Materials Up, Wages Down

While labor costs were moving in this fashion, the cost of materials, containers, fuel and purchased electric energy were shown to have remained near 53 per cent in both 1931 and 1933.

In 1929 these costs were higher, and this may indicate higher prices, for materials going into the product showed prices were a depressing factor of wages because they were too high.

The figures further show that 8,821,767 wage earners were employed in manufacturing industry in 1929; 6,506,701 in 1931, and 6,055,736 in 1933. Salaried employes numbered 1,353,908 in 1929, and 802,474 in 1933.

AWAIT 8-HOUR REPORT FOR TRUCKING INDUSTRY

By A. F. of L. News Service.

Washington.—The National Code Authority for the trucking industry has informed NRA that it will have completed its study and report on the possibility of establishing a uniform eight-hour day in the industry by February 1, and the time for submission of the report has been extended until that date.

The code instructed the code authority to make the study in cooperation with the National Industrial Relations Board.

The code provides a basic 48-hour week, but allows exceptions for drivers and their helpers. It required the code authority to study the practicability of a normal eight-hour day for all employes.

Business Set For Social Security

By A. F. of L. News Service.

New York.—In a summary of the general business situation, the Standard Statistics Company says:

"Business interests are beginning to picture the legislative prospect for the current session of Congress in realistic terms and are drawing encouragement from the generally moderate character of the measures thus far sponsored by the Administration.

"The economic security measure submitted by the President has been the cause of much foreboding in recent months, but the actual bill provides for gradual steps over a period of years, an undertaking which should prove reasonably acceptable as business has already begun to reconcile itself to the assumption of new burdens for this purpose. • • • The long-range effect of the social insurance legislation should be to assist in stabilizing industrial conditions. A vast amount of legislation by the individual states will be required, however, before the plan is operative."

URBAN RELIEF UP, LATEST REPORT SHOWS

By A. F. of L. News Service.

Washington.—The trend of urban emergency unemployment relief from November to December was slightly upward in the number of resident families and single persons, it is announced in the latest FERA report. The trend was also upward in expenditures for relief.

On the basis of preliminary reports from 141 cities and urban counties, the number of cases showed an increase of 4 per cent in December over November. Expenditures increased 6 per cent.

A. F. OF L. COUNCIL MEETS IN WASHINGTON

The Executive Council of the American Federation of Labor is now in session, at the Federation's headquarters, in Washington.

As the first two days of the session were taken up largely by a conference with other labor representatives appearing before the National Industrial Recovery Board, at the hearing on labor provisions of NRA codes, and personal appearance of members of the Council at this hearing, early consideration of routine business was impractical. The meeting will probably last for several days, during which time the A. F. of L. legislative program will be thoroughly considered, as 1935 convention city selected and other business attended to. Selection of a treasurer to succeed the late Martin F. Ryan is also expected.

Members of the A. F. of L. Executive Council include the following: William Green, president; Frank Morrison, secretary; treasurer (position now temporarily vacant), and the following 15 vice presidents: Frank Duffy, T. A. Rickert, Matthew Woll, John Coefield, Arthur O. Wharton, Joseph N. Weber, G. M. Bugniazet, George M. Harrison, Daniel J. Tobin, William L. Hutcheson, George L. Berry, John L. Lewis, David Dubinsky, Harry C. Bates and Edward J. Gainor.

Longshoremen Win Improved Conditions

Fruition Of Efforts By International Seamen's Union and International Long Shoremen's Association Reflected In Board Ruling Covering S. F. Docks.

By A. F. of L. News Service.

San Francisco, Calif.—Improved working conditions, which reflect fruition of the recent strike by the International Longshoremen's Association and the International Seamen's Union in behalf of the membership, were put into effect at docks in this territory by the Longshoremen's Joint Labor Relations Committee, which was established as a result of the strike here, upon pleas of union representatives.

The San Francisco News summarizes the improved working conditions to include the following:

The new provisions supplement the arbitration award of the National Longshoremen's Board and were agreed upon after study by the committee of complaints that led to sporadic walkouts at the piers.

The longshoremen, under the new agreement, are granted extra wage rates from 10 per cent to double time for handling 14 different types of "penalty" cargo. The extra pay is based on the degree of hardship or risk considered difficult to handle or otherwise objectionable.

Hours Are Limited

New rules are put in force that go further than the arbitration board's provision for the 36-hour week averaged over four weeks. Longshoremen henceforth may not be worked more than 12 hours in any one day, nor more than 44 hours in one week, subject to the limitation of 120 hours in any four-week period. In obtaining a job, a stevedore may not be re-employed until he has had a rest period of at least eight hours.

Other highlights of the agreement: Longshoremen dispatched to a job may not be held more than two hours for arrival of a ship or for any cause which delays the start of work. They will be paid two hours' time for reporting to the job whether they work or not. When ordered to work overtime, pay will start immediately, even if no work is provided.

Definite meal hours will be specified and if men are required to work through meal hours any part of it, they will be paid penalty time.

When longshoremen are called to work away from the San Francisco waterfront they will be paid transportation and travel time by the employer. Specified men going to Oakland or Alameda will be allowed one-half hour travel time on pay; to Richmond, one hour, and to points above San Pablo on the Straits, two hours' time.

Meal Allowances

A 60-cent meal allowances is provided for out-of-town work, if the company fails to provide satisfactory meals, and lodging will be paid if workers must remain away over night.

Employers will have the right to use any method men going to Oakland or Alameda will be allowed one-half hour travel time on pay; to Richmond, one hour, and to points above San Pablo on the Straits, two hours' time.

ORDERS ELECTION IN BENDIX PLANT

By A. F. of L. News Service.

South Bend, Ind.—An election for collective bargaining representatives has been ordered in the plant of the Bendix Products Corporation, South Bend, by the National Labor Relations Board, which acted on a petition filed by United Automobile Workers' Federal Labor Union No. 18347. The board ruled that the company "had shown continued hostility" to union activities, stating that "the company had failed to enter into any comprehensive agreement with its employes as represented by either the union or the employes' association."

"Two rival organizations," the board added, "each claiming the adherence of a large number of employes, exist in the plant. A substantial number of employes request the election. In view of the past relations of the company to the employes' association and the union it is important that the employes be given the opportunity to choose representatives free from interference or restraint by the company."

IMPARTIAL CHAIRMAN FOR ELECTRICAL CONTRACTORS

By A. F. of L. News Service.

Chicago.—Appointment of John R. Mcsweeney, 3363 Jackson Boulevard, Chicago, as impartial chairman of the board to investigate complaints of unfair practices in connection with collective bargaining agreements between employes and employers in the electrical contracting division of the construction industry, has been announced by the National Industrial Recovery Board.

Mr. McSweeney is a member of a Chicago law firm and is a former state representative.

Transients Employed On Work Projects

By A. F. of L. News Service.

Washington.—Of a total of 121,688 unattached persons between the ages of 16 and 64 under the care of the transient division of the Federal Emergency Relief Administration 46,714 were employed on 796 work projects, a telegraphic census taken recently reveals. The result of this census, made public by Harry L. Hopkins, Administrator, Federal Emergency Relief Administration, shows that in many states the transient people have made themselves acceptable to the scope of work offered. Work projects cover everything from house building and repairing to the production of their own bedding, clothing and food.

The number of transients employed total 46,714.

LABOR PRESS IS PRAISED BY UNION LABEL DEPARTMENT

Executive Board In Regular Meeting Passes Resolution Expressing Appreciation

By A. F. of L. News Service.

Washington—the executive board of the Union Label Trades Department met in Washington on December 28. I. M. Ornburn, secretary-treasurer, made a complete report on the various activities of the department. The educational and publicity campaign for the promotion of the union label, shop card, and button was discussed at length, and extensive plans for the coming year were considered."

Great praise was given to the labor newspapers and trade union journals in a resolution passed by the board. Hope was expressed that the increased membership of the national and international unions would add a great impetus to the support of the labor press. The resolution follows:

"WHEREAS, The weekly, semi-weekly, and monthly labor publications, known as the labor press, and the trade union journals, have rendered invaluable service to the Union Label Trades Department and the organized labor movement; and

"WHEREAS, An independent labor press, free from the control of selfish interests, is most vital to the strength and power of trade unions and to our democratic form of government itself; and

"WHEREAS, Space in the columns of many labor publications has been generously given to news items, editorials, and cartoons on union labels and union services, in order to carry the message to trade unionists and the buying public; therefore, be it

"RESOLVED, That the executive board of the Union Label Trades Department expresses its appreciation of the loyal support and hearty cooperation that the labor press has so freely given in promoting the union label, shop card, and button; and be it further

"RESOLVED, That the Union Label Trades Department urge and encourage all members of organized labor and its friends to subscribe to and exert every other possible aid and cooperation to said labor publications, which have so liberally supported the cause of organized labor."

The following are the members of the executive board of the Union Label Trades Department:

Matthew Woll, president; Joseph Obergfell, first vice president; A. A. Myrup, second vice president; Charles P. Howard, third vice president; John J. Mara, fourth vice president; T. A. Rickert, fifth vice president, and I. M. Ornburn, secretary-treasurer.

Compensation Funds Sought For States

Casualty Company Failures Cause New Drive For State Workers' Insurance.

By A. F. of L. News Service.

New York City.—Recent failures of private casualty companies that write workmen's compensation insurance is causing a new movement for legislation to establish exclusive state insurance funds, according to a bulletin by the American Association for Labor Legislation.

Twenty states already have created state compensation insurance funds, up to January 1, 1935. These state funds have been made the exclusive carriers of compensation insurance in seven states; and all of the Canadian provinces, with the single exception of Prince Edward Island, also have adopted exclusive state funds.

NEED LAWS TO PROTECT WORKERS, SAYS BIDDLE

By A. F. of L. News Service.

Columbus, Ohio.—Francis Biddle, chairman of the National Labor Relations Board, in a brilliant address before the Columbus Economic Forum, expanded the scope for legislation to enable enforcement of labor's rights to collective bargaining.

He described industry and government as "grieving like a bill of rights with one hand and destroying its effectiveness with the other."

Collective bargaining legislation, Biddle said, should:

1. Define collective bargaining and employer obligation in this respect.

2. Give wide administrative control and discretion to whatever board is set up to enforce it;

3. Leave open for future determination the more detailed aspects of the labor problem;

4. Make the board's decision, final with appeals to be based only on errors of law;

5. Give the board wide scope to build a constructive body of labor law;

6. Make it apply to all industry, under or not under codes.

His National Labor Relations Board "can make recommendations, and that is about all," Biddle said. "We have absolutely no power for enforcing any of our orders."

Needed Changes in Auto Code Are Fought Desperately by Employers; Congressional Investigation Looms

President Green Supports Demand Of Labor For Re-Opening Of Code With Statement Of Labor Needs.

By A. F. of L. News Service.

Washington.—A comprehensive statement of labor proposals for revision of the NRA code for the automobile manufacturing industry was submitted in seeking re-opening of the code on behalf of labor, by William Green, acting chairman of the NRA Labor Advisory Board and president of the American Federation of Labor.

Due to extreme pressure brought to bear by "big business," the Automobile Code was expected to be extended for the third time.

Sound reasons were presented by President Green, showing need for reopening. It is reasonably certain labor will not tolerate a fourth extension, officials finding it very difficult to hold workers in line even now. Labor's proposals must be heeded, it is believed, in the interest of the industry itself and the public, as well as the workers. A summary of changes recommended by labor includes the following:

1.—Hours: 30-hour standard week; 36 hours for peaks—not more than 10 weeks; reduction in hours before layoff—down to 24; overtime rate for all hours beyond standard, limited to 8 extra hours; no sweeping exceptions for weekly hours—tool and die makers employed for any employer on automobile work limited to 10 weeks of 40 hours with overtime beyond this.

2.—Wages: Minimum rates of 60c for all and 70c for production workers; adjustment of wages above minimum by mutual agreement; weekly wages no less than last week in January; guaranteed yearly income of $1,500 to permanent employees; simplification of code method by mutual agreement. No hourly wage reduction.

3.—General Labor Provision: Standards for safety and health; speed controlled by mutual agreement; seniority established by mutual agreement.

4.—Section 7-A: Abolish merit clause.

5.—Labor representation on the Code Authority: Labor representative to be appointed on nemination of the Labor Advisory Board.

Take, But Don't Give

Among other charges lodged against automobile manufacturers at the hearing on labor provisions of NRA codes, Frank J. Dillon, in charge of the labor duties of the A. F. of L., was one well known to all labor: that the automotive industry had profited greatly from the Recovery Act, but had refused to allow labor to obtain its collective bargaining rights under the provisions of the act.

Dr. Leo Waltman, chairman of the Automobile Labor Board, conferred with President Roosevelt and was instrumental to have presented a report on the elections now being supervised in the automobile centers preparatory to establishing works councils for collective bargaining.

Labor spokesmen awaited a call from President Roosevelt to explain that they are opposed to the elections and to a further continuation of the Waltman board on the ground that the board has frustrated instead of helping the employes to bargain collectively.

Congressional Inquiry Probable

A resolution has been introduced in the U. S. Senate, by Senator Schwellenbach, which calls for a sweeping investigation of the labor policies of the automobile industry.

Mr. Schwellenbach's resolution would authorize the committee on labor to investigate working conditions of the automobile workers to determine whether employers have violated Section 7-A, whether they have forced workers into company unions, whether the companies have supported company unions, work councils, espionage systems and detective agencies and whether employes are being intimidated against joining bona fide unions.

CODE SIGNERS RETAIN CONSTITUTIONAL RIGHTS

By A. F. of L. News Service.

Washington.—To allay the alleged fear expressed by certain anti-labor employers, like the National Association of Manufacturers, that signing of code of fair competition or labor by authority of the National Industrial Recovery Act might be construed as depriving the signers of their constitutional rights, President Roosevelt issued an executive order declaring that no such waiver was involved in any code.

Mr. Roosevelt more than once has declared that assenting to a code would not be guilty of violating any constitutional right, the Constitution taking precedence over all codes. But the ironic fear of the anti-labor employers so impressed the President that he made public the order, which declared:

"It is understood that neither the government nor any member of industry waives, or can properly insist that the other has waived, any constitutional right pertaining to the government or to any individual by approving, assenting to, or cooperating under a code of fair competition.

"The approval orders of all such codes heretofore approved will be hereby modified to the extent necessary to make this order a condition thereof, and they order shall operate as a condition of the approval of any such hereafter approved."